

**Policy Development Committee  
Recommendation Concerning  
Made-With Organic Ingredients**

**Background**

Section 205.301(c) indicates that products containing at least 70 percent organically products ingredients may contain non-organic ingredients produced without regard to the fact that the product may contain organic and non-organic versions of the same ingredient.

§205.301 (c) *Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).” Multiingredient agricultural product sold, labeled, or represented as “made with organic (specified ingredients or food group(s))”* must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of § 205.301(f). Nonorganic ingredients may be produced without regard to paragraphs (4), (5), (6), and (7) of § 205.301(f). If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.

Section.301(f) specifies that all ingredients identified as organic in any ingredient statement of any Product must not include organic and non-organic forms of the same ingredient. .

§205.301 (f) All products labeled as “100 percent organic” or “organic” and all ingredients identified as "organic" in the ingredient statement of any product must not:  
(7) Include organic and non-organic forms of the same ingredient.

This contradictory language is creating difficulty for certifiers, and is resulting in products marketed under the “Made With” category containing both organic and non-organic versions of the same ingredient.

**Proposed change:**

(New language in *italic*, deleted language in ~~strikeout~~)

Change 205.301(c) to read:

*(c) Products sold, labeled, or represented as “made with organic (specified ingredients or food group(s)).” Multiingredient agricultural product sold, labeled, or represented as “made with organic (specified ingredients or food group(s))” must contain (by weight or fluid volume, excluding water and salt) at least 70 percent organically produced ingredients which are produced and handled pursuant to requirements in subpart C of this part. No ingredients may be produced using prohibited practices specified in paragraphs (1), (2), and (3) of § 205.301(f). No product labeled as made the “Made With Organic” may include organic and non-organic forms of the same ingredient. Non-organic ingredients may be produced without regard to paragraphs (4), (5), and (6), and (7) of § 205.301(f). If labeled as containing organically produced ingredients or food groups, such product must be labeled pursuant to § 205.304.*

**Committee Vote**

4 yes, 0 no, 2 absent.